

FINDINGS – General Plan Amendment (GPA):

Pursuant to the County Development Code (§ 83.020110), prior to approving or recommending approval of a General Plan land use district change, the Planning Agency must determine that all of the required findings can be made in the affirmative. Staff cannot find that all of the required findings are true and the following findings support denial of the General Plan Amendment:

- (a) The proposed land use district change is not in the public interest, there will not be a community benefit and other existing and permitted uses may be compromised because the proposed project would conflict with General Plan policies that encourage creation of buffers between intense commercial uses that are consistent with Foothill Boulevard properties that abut the project directly to the north. The existing Land Use District of RM (multifamily residential) with 7000 square feet of gross lot area required per unit promotes buffering of adjacent commercial uses to the north and single family residential to the south.
- (b) The proposed land use district change is not consistent with the goals and policies of the General Plan and will not provide a reasonable and logical extension of the existing land use patterns in the surrounding area because the applicant's parcel is of insufficient size to meet the General Plan's minimum district size and the parcels added to meet that size result in an irregularly shaped district completely surrounded by multiple-residential land uses parcels.

The proposed land use district change is not consistent with General Plan Goal D-43, which states:

“Plan for a compatible and harmonious arrangement of land uses in urban areas by providing a type and mix of functionally well-integrated land uses which meet general social and economic needs. “

The proposal is also inconsistent with General Plan Policy LU-2 (a) and (b) which states:

“Because the County wants to promote and provide safe, attractive, varied residential areas convenient to public facilities, employment and shopping centers the following policies/actions shall be implemented:

- a. Require that the design and siting of new residential development meet locational and development standards that ensure compatibility with adjacent land uses and community character.
- b. Allow varied approaches to residential development in order to foster a variety of housing types and densities and more efficient use of land. “

As noted, the proposed GPA would conflict with the General Plan goals & policies that encourage a natural buffer of higher density development between existing commercial uses to the north and single family residential uses to the south. The existing multi-family Land Use District provides such a buffer and its close proximity to Foothill Boulevard allows for easy access to services and mass-transit systems.

- (c) The land use district change conflicts with provisions of the Development Code because it is not consistent with the General Plan requirements for reasonable and logical extensions of land use patterns.
- (d) The proposed land use change may have a significant impact on surrounding properties by siting small residential lots adjacent to viable commercial land without the ability to adequately buffer the impacts.

FINDINGS – Tentative Tract 16337:

Pursuant to the County Development Code [§ 83.040110 (c)], before approving or recommending approval of a Tentative Tract Map, the Planning Agency must determine that all of the required findings can be made in the affirmative. As set forth herein, Staff has determined that all of the required findings for approval cannot be made and the following findings support denial of the Tentative Tract Map:

- (1) The proposed subdivision, together with the provisions for its design and improvements, is not consistent with the General Plan because approval of a General Plan Amendment for which findings cannot be made in the affirmative is required. It will not provide a reasonable and logical extension of the existing land use patterns in the surrounding area since the applicant's parcel is of insufficient size to meet the General Plan's minimum district size and the parcels added to meet that size result in an oddly shaped district completely surrounded by multiple-residential land uses parcels. As noted above, the proposed GPA would conflict with the General Plan goals & policies to encourage or create a natural buffer of higher density development between existing commercial and single family residential uses.
- (2) The site is not physically suitable for the type and proposed density of the development because the density is not consistent with either the current designation used to buffer the intensive commercial uses permitted in the property adjacent to the north or with the density proposed under the City of Fontana General Plan in whose Sphere of Influence the project lies.
- (3) The designs of the subdivision or its proposed improvements are not likely to cause substantial environmental damage or avoidably injure fish, wildlife, or their habitat.
- (4) The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision because no such easements or public access currently exist.
- (5) It is unknown if the design of the subdivision provides to the extent feasible, passive or natural heating and cooling opportunities, since no such systems are specifically proposed at this time.
- (6) Only by amending the General Plan land use designation, the proposed subdivision, its design, density and type of development and improvements can the tract conform to the regulations of the Development Code. However, the General Plan amendment is not consistent with the General Plan as discussed in the General Plan Amendment Findings.

FINDINGS – Variance

Pursuant to the County Development Code [§ 83.030905 (f)], prior to approving a request for a Major Variance, the reviewing authority must make the required findings in the affirmative. The Major Variance is requested to increase a portion of the concrete block wall to 10', along the northwest property line. Staff cannot make all of the required findings and the following findings support a denial a Major Variance:

1. The granting of such variance will be materially detrimental to other properties or land uses in the area because the wall as proposed will create a “canyon effect” in the rear yard of the proposed single family residences. The project does not propose any design elements that are known to interfere substantially with the present or future ability to use solar energy systems.
2. There are no exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do apply to other properties in the same district or vicinity, because the proposed wall exceeds the height that would reasonably buffer the single family residential use immediately adjacent to the intensive commercial uses permitted adjacent to the project on the north.
3. The strict application of the land use district does not deprive such property of privileges enjoyed by other properties in the vicinity or in the same land use district because other single family residential sites adjacent to intensive commercial uses have not been granted variances for a wall of this height within the County.
4. The granting of the variance is not compatible with the objectives, policies, general land uses and programs specified in the County General Plan unless the accompanying General Plan Amendment and Tentative Tract are approved because although there could be a need to buffer the development of multifamily residential land uses currently permitted the requested wall height exceeds that which would reasonably be approved for adequate buffering